

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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MARY BALDAN,

Plaintiff,

vs.

BJ'S WHOLESALE CLUB, INC., JOHN  
DOE I-X and ABC CORP. I-X,

Defendants.

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: CIVIL ACTION NO.  
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NOTICE OF REMOVAL OF ACTION  
PURSUANT TO 28 U.S.C. §1441

Defendant, BJ's Wholesale Club, Inc. (hereinafter, the "Club"), hereby submits notice to the United States District Court for the District of New Jersey of the removal of the above-entitled action to this Honorable Court and, in support thereof, respectfully represents as follows:

1. The Club is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business located in the Commonwealth of Massachusetts.

2. Upon information, knowledge and belief, Plaintiff, Mary Baldan, is an adult individual and citizen and resident of the State of New Jersey residing at 24 Bellport Place, Garfield, New Jersey.

3. At all times material hereto, the Club was duly registered to do, and was doing, business in the State of New Jersey.

4. On or about December 9, 2019, Plaintiff instituted the above action, by way of Complaint (the "Complaint"), a copy of which is attached hereto as Exhibit "A," in the Superior

Court of New Jersey, Bergen County, Docket No. BER-L-008413-19 seeking damages for injuries Plaintiff allegedly sustained as a result of the Club's alleged negligence.

5. At the time the action was filed, the Club did not have notice that the value of Plaintiff's claims exceeded Seventy-Five Thousand (\$75,000.00) Dollars, exclusive of interest or costs.

6. On February 7, 2020, Plaintiff's counsel produced a Statement of Damages, a copy of which is attached hereto as Exhibit "B," confirming that Plaintiff valued her claims to be Two-Hundred and Fifty Thousand (\$250,000) Dollars.

7. Diversity of citizenship exists between Plaintiff, a citizen and resident of the State of New Jersey, and the Club, a corporation organized and existing under the laws of the State of Delaware and having its principal place of business in the Commonwealth of Massachusetts.

8. Complete diversity of citizenship exists between the parties and removal is proper pursuant to 28 U.S.C. § 1441, *et seq.*

9. The said diversity of citizenship existed at the time the action sought to be removed was commenced and continues to the time of the filing of this Notice. Therefore, as to said claims and causes of action, the Club is entitled to removal pursuant to 28 U.S.C. §1441, *et seq.*

10. 28 U.S.C. §1446(b) reads, in pertinent part, that:

If the case stated by the initial pleading is not removable, a notice of removal may be filed within thirty days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable, except that a case may not be removed on the basis of jurisdiction conferred by section 1332 [diversity of citizenship] of this title more than 1 year after commencement of the action.

11. This Notice of Removal is timely under 28 U.S.C. §1446(b) as it is filed within


thirty (30) days after the Club's first notice that Plaintiff's claimed damages, if proven, are valued in excess of Seventy-Five Thousand (\$75,000.00) Dollars, exclusive of interest and costs. Moreover, this Notice of Removal is made within one (1) year after the filing of the Complaint on December 19, 2019.

**WHEREFORE**, the above action now pending against Defendant, BJ's Wholesale Club, Inc., in the Superior Court of New Jersey, Bergen County, is removed therefrom to this Honorable Court.

Respectfully submitted,

**CHARTWELL LAW**

Dated: 2/11/2020

BY:   
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